

**PERFORMANCE PARTNERSHIP AGREEMENT
(PPA) FY 2012**

between

THE UTAH DIVISION OF DRINKING WATER (STATE)

and

**THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)
REGION VIII**

1. Preamble: This is a performance partnership agreement between the Utah Division of Drinking Water hereinafter referred to as "State" and the Drinking Water Program within the Environmental Protection Agency's Region VIII office, hereinafter known as "EPA". The purpose of this agreement is to ensure, to EPA's satisfaction, that the delegated drinking water programs are satisfactorily administered.
2. Maintain Core Programs: The State will maintain and implement the core programs, as required by federal and state statutes and rules, and as reflected in program authorizations and other formal agreements.
3. Maintain National Databases:
 - a. The State commits to properly transfer data into regional and national data systems, where federally required data fields are kept current, and that the data is entered accurately and pursuant to definitions and policy. The State will use the SDWIS-State software to accomplish this task. Prior to each submittal, State will perform the error checks resident with FEDREP and make appropriate adjustments with the data to ensure an accurate submittal. EPA agrees to accept the error checked files submitted by State and release them to SDWIS-ODS. The State commits to maintain its database and assist, when requested to do so and as resources are available, those responsible for the national database. This includes data entry, quality assurance and data validation for assuring timely and complete updating of information for the purpose of data retrieval by EPA staff and managers.
 - b. The State commits to transmit water system inventory information and violation and enforcement data to SDWIS within 45 days after the end of each calendar quarter. For systems identified on the ETT priority lists, the State will look at all the violations and submit SDWIS "return to compliance" information where applicable.
 - c. The State will make preparation to change from reporting data via the legacy Central Data Exchange (CDX) Web application to reporting data in XML

format through the Exchange Network by the December 31, 2012. The data flow is available at: http://www.exchangenetwork.net/SDWIS_flow%20implementation.pdf.

- d. The State will employ internal management practices to verify complete data reporting. By October 30, 2011, STATE will update its Data Quality Improvement Plan (Goal #9) for actions to be taken in FY2012 to address data deficiencies identified by EPA, including specific tasks and timeframes for achievement. State will report the status and progress to EPA quarterly and EPA will track State's progress in implementing the plan and State will jointly discuss the 2008 EPA Data Verification audit. State will proceed with Goal Number 13 in an ordered fashion to resolve data quality errors including correcting system monitoring schedules to accurately reflect lead/copper sampling dates and monitoring requirements and ensure accurate entry of initial lead/copper failure to monitor violations into SDWIS-State. EPA agrees to assist the State on interpreting the eDV results of its data by providing meaning summary information that clearly identifies systemic problems that can be readily corrected in States processes. EPA's Regional or Headquarters data management staff agrees to expeditiously correct any data transfer issues within their respective data systems and EPA Regional program staff agree to extend programmatic timelines as appropriate.
- e. The State agrees to cooperate with any scheduled data verification process. The State will continue to address the following issues which have previously

been identified as issues:

- i. TCR/SWTR: The State will provide a list of all systems that are required to filter unthru the SWTR, but are not yet filtering to EPA by 11/15/11. Additionally, record the violations into SDWIS State and report them to SDWIS Fed. For those still on compliance schedules, provide the schedule from the enforcement document. If any systems are not under compliance schedules, for each system provide a rationale and the proposed state action and time frame for securing an enforceable compliance schedule. The State also agrees to provide a description of any additional actions and the time frames for completing assessments of groundwater under the direct influence of surface water (GUI), and the systems for which such assessments need to be completed.
 - ii. Arsenic, Lead and Copper: The State will provide special interest arsenic and lead and copper information as periodically requested by the region on behalf of Headquarters. The State will work to ensure that it is fully implementing the Lead and Copper Rule and the Arsenic Rule by providing Region 8 with semi-annual reports on the status of systems in Utah related to these two rules.
4. Sanitary Surveys: The State shall submit to the Region VIII Drinking Water Program an evaluation of its program for conducting Subpart H System Sanitary Surveys in accordance with 40 CFR 142.16(b)(3) during each calendar year, by

February 15th of the following year, as required by 40 CFR 142.15(a)(5).

5. Implementing New EPA Rules: If the State does not have an approved primacy package for any new rule or cannot upload the violations to SDWIS-FED the State commits, for rules that are enforceable by EPA, to provide EPA a list of violators within 60 days of identifying non-compliance.

6. Safe Drinking Water Act Enforcement:

- a. The State commits to annotating the quarterly Enforcement Targeting Tool (ETT) list created by the new Enforcement Response Policy (ERP) to EPA within 30 days of receipt. The annotations will include the State actions planned for each identified priority system, the projected time frame for such actions, and other relevant information that helps EPA evaluate candidates for federal enforcement. The State will provide EPA updates to the list as appropriate. EPA recognizes that it is its responsibility to deliver the list to the State in a timely manner to enable the State to meet its deadlines.
- b. The State commits to address the priority water systems appearing on each quarterly version of the ETT list (through an EPA defined formal enforcement action, an equivalent State informal action, including CA/EO's with penalties, or appropriate return to compliance) within 6 months of their being identified as priorities, as State resources allow. If the State does not plan to timely address the priority water systems appearing on an ETT list, or if the State does not meet its previous commitments to take enforcement actions then EPA will take federal enforcement action as resources allow. EPA may also issue NOVs for cases in which PWSs become a priority ETT system immediately due to late data entry or which would have been priority ETT system if all violations had been uploaded to the national database.

- c. EPA will continue to encourage the State to ensure that violation letters are sent to PWSs for each violation incurred. This could include evaluating the success of rule managers in completing this task during their performance appraisal and spot-checking during the year to assist in determining this success.

7. The State will work on meeting its GIPRA Goals as stated below:

- a. Sub-objective 2.1.1 - Percent of population served by Community Water Systems that receive drinking water that meets all applicable health-based drinking water standards through approaches including effective treatment and source water protection. - 91%
- b. SP-1 - Percent of Community Water Systems that meet all health-based standards through approaches that include effective treatment and source water protection. - 90%
- c. SP-2 - Percent of "person months" (i.e., all persons served by Community Water Systems times 12 months) during which Community Water Systems provide drinking water that meet all applicable health-based drinking water standards. - 95%
- d. SDW-1a - Percent of Community Water Systems that have undergone a Sanitary Survey within the past three years (five years for outstanding performers) as required under the Interim Enhanced

and Long Term 1 Surface Water Treatment rules. –
90%

8. Safe Drinking Water Enforcement Oversight:

- a. The State agrees that EPA will use the new version of the Uniform Enforcement Oversight System (UEOS) for evaluating the State's enforcement performance in FY 2012. The State will be given the opportunity to reconcile the national database information and review a draft report of the assessment before the enforcement evaluation is finalized.

- b. The State will upload all ETT priority related enforcement actions and applicable return to compliance (RTC) codes into SDWIS-Fed quarterly for all such actions completed by that date.

- c. EPA will confer with the State regarding the compliance status of EPA orders issued to Utah PWSs, will list the violations contained in the orders and their current compliance status (according to the SNC definition of compliance) in the enforcement press release, and will provide a courtesy copy of the press release 24 hours prior to the release.